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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,992	08/02/2001	Graham John Simms	4254	7173

7590

06/07/2002

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EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 06/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/919,992

Applicant(s)

SIMMS, GRAHAM JOHN

Examiner

Jason Prone

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1, 11, and 12, the phrase "...a blade unit is mounted or mounted for pivotal movement..." is unclear. It is uncertain whether the blade is mounted in stationary or pivotal position.

In claims 1 and 12, the scope of the claim goes into further detail of the embodiment with a pivotal mounted blade but neglects any further description of a stationary mounted blade.

Also in claim 1, the phrase "...discharge port opening is at or close to the predetermined pivot axis ." needs to be rewritten.

Claim 20 is dependent upon claim 21. This is improper, therefore, claim 20 will be considered dependent from claim 11.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-7, 9-15 and 18-22, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Hackmyer.

Hackmyer discloses the same invention including a blade unit carrying structure (23) on which a blade unit is mounted (22 {Examiner notes that Hackmyer meets the alternate limitation of "is mounted" not "mounted for pivotal movement"}), a delivery system for conducting a fluid dispensed from a reservoir (c) connected to the blade unit carrying structure to at least one discharge port (Figs. 1 and 3), that the discharge port opening is closed at a predetermined pivot axis (Fig. 3), that the discharge port opening is defined by a part that remains stationary with respect to the blade unit carrying structure during pivotal movement of the blade unit (21c), that the stationary part is not coupled to the blade units (Fig. 2), that the discharge port is disposed to deliver fluid at a guard surface (23c), that the blade unit includes a channel that extends parallel to the pivot axis (Fig. 1), that the channel is open continuously (Fig. 1), that the blade unit carrying structure is movable connected to a supporting structure (Fig. 10) and is movable relative to the supporting structure (21a) for actuating a valve (Fig. 1), that the blade unit carrying structure is hingedly coupled by a web (21c) to the supporting structure for the valve to be actuated when the blade is pressed against the skin (Fig. 1), that the supporting structure comprises a ring (25) to which the blade unit carrying structure is integrally connected by a pair of webs (21c), that the blade unit carrying structure has a stop for abutment with the container rim to define an end position from which the blade unit carrying structure is pivotal to actuate the valve (Fig. 1), a valve member (25a), a sealing member (Fig. 3), that the valve member cooperates with an

annular valve seat (Fig. 3) and is capable of tilting to open the valve (Fig. 1), that the blade unit carrying structure comprises a hollow stem structure (23c) extending from a flange like base (Fig. 3), and that the base is engagable by a finger for displacing the blade unit to actuate the valve.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hackmyer in view of Gruslin et al. Hackmyer discloses the invention including a discharge port defined by a tubular member (23c) but fails to disclose an elastomeric skin contacting element. Gruslin et al. teaches the use of an elastomeric skin contacting element (Fig. 1). Therefore, it would have been obvious to one skilled in the art, at the time of the invention, to have provided Hackmyer with a elastomeric skin contacting element to provide for a smoother shave.

7. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hackmyer in view of Miyauchi. Hackmyer discloses the invention {listed above} but fails to disclose that the reservoir is formed by a container having a rim surrounding the valve, and that the supporting structure is firmly attached, by friction, to the container at the rim. Miyauchi teaches the use of a reservoir that is formed by a container having a rim surrounding the valve (Fig. 2), and that the supporting structure

is firmly attached, by friction, to the container at the rim (Fig. 3). Therefore, it would have been obvious to one skilled in the art, at the time of the invention, to have provided Hackmyer with a reservoir that is formed by a container having a rim surrounding the valve and that the supporting structure is firmly attached, by friction, to the container at the rim to provide for a more efficient dispenser.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Waldman, Lopez, Jr., Lazarus, Jacobson, Drahus, Derin et al., Chen, Mitchell, Mrocza, Fleetwood, and Frick et al.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



JP  
June 5, 2002



M. Rachuba  
Primary Examiner